



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/602,588 | 06/25/2003 | Douglas H. Rollender | 29250-000203/US/COA | 1441 |
| 30593 | 7590 | 08/05/2008 | EXAMINER | |
| HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195 | | | | MEHRA, INDER P |
| ART UNIT | | PAPER NUMBER | | |
| 2617 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 08/05/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/602,588 | ROLLENDER, DOUGLAS H. | |
| | Examiner | Art Unit | |
| | INDER P. MEHRA | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 January 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 13-28 and 31 is/are allowed.
 6) Claim(s) 1-12,29 and 30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 3/12/2008.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

1. This office action is in response to amendment dated: 3/12/2008. Based on this amendment, claims 1-31 are pending.

Terminal Disclaimer

2. The terminal disclaimer filed on 3/12/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of instant application no. 10/602588 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated in "Background of the invention", paragraphs 0003-0016. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 3/12/08 was filed . The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-12 and 29-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Admitted Prior Art** of instant application, hereinafter, **APA** in view of **Non Patent Literature** (Mobile IP by James D. Solomon, 1998 Prentice Hall PTR, Prentice Hall, Inc., pages 54-56), **hereinafter, Solomon.**

For claim 1, APA discloses, a method of transferring data in mobile communication system, **(APA teaches in reference to fig. 1 (Prior Art) and paragraphs 0008-0016, a system and process to transfer data in mobile communication system by opening a traffic channel to the destination entity, paragraph 0016)** comprising:

a) receiving data to be transferred to a destination entity; **(data is supplied by end user 2 using first communication device 4, paragraph 0016);**

b) forming a first permanent identifier including a portion of the received data and routing information to a home system, **(APA discloses first permanent identifier including first portion as routing information to a home system, such as mobile country code (MCC) and mobile network code (MNC), paragraphs 0008-0009, and second portion identifies end user 2 to home system 16, paragraph 0008). Note: Applicant claims “portion of receiving data” as part of first permanent identifier in addition to routing information to home system. Applicant does not specify type of data, thus data is generic without type.**

Identification number of end user 2, as disclosed by APA in paragraph 0008 is a type of data in addition to routing information.

However, Solomon teaches ‘receiving data’, per se, in addition to header information, (which is standard) as explained below separately:

c) forming an expanded second permanent identifier having a second permanent identifier portion and an expanded portion, and the expanded portion including a portion of the received data; **(APA discloses expanded second permanent identifier, paragraph 0011, including three portion. The first two portions are the second permanent identifier, as claimed, such as electronic serial number of mobile communication device 4, paragraph**

0013, and third portion represents unexpanded portion of second permanent identifier, which is associated with communication device 4 or being used by the end user 2, paragraphs 0010-0011. Note: Applicant claims “portion of receiving data” as part of expanded second permanent identifier in addition to second permanent identifier portion. This limitation (data) is the same as part of first permanent identifier. Applicant does not specify type of receiving data again, thus receiving data is generic without type. APA discloses third identification number as expanded portion of expanded second permanent identifier, paragraph 0012.

However, Solomon teaches ‘receiving data’, per se, in addition to header information, (which is standard) as explained below separately:

d) sending, from a communication device, at least the first permanent identifier and the expanded second permanent identifier. (APA discloses, communication device 4 connected to the service system 12, fig. 1, provides both first and expanded permanent identifiers to home system 16 to validate end user 2, paragraphs 0014-0015).

Solomon teaches receiving data (payload) in addition to routing information (header providing IP address) , virtual link (routing information) to Home Agent, page 54.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to use the receiving address as portion of first permanent identifier and expanded permanent identifier, as taught by APA and Solomon. The receiving data could be implemented by incorporating receiving identifier into first and expanded permanent identifiers. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

For claims 2-3, APA discloses, a method of transferring data in mobile communication system, **(APA teaches in reference to fig. 1 (Prior Art) and paragraphs 0008-0016, a system and process to transfer data in mobile communication system by opening a traffic channel to the destination entity, paragraph 0016)** comprising:

- a) receiving data; **(data is supplied by end user 2 using first communication device 4, paragraph 0016);**
- b) forming a first permanent identifier including a portion of the received data and routing information to a home system, **(APA discloses first permanent identifier including first portion as routing information to a home system, such as mobile country code (MCC) and mobile network code (MNC), paragraphs 0008-0009, and second portion identifies end user 2 to home system 16, paragraph 0008). Note: Applicant claims “portion of receiving data” as part of first permanent identifier in addition to routing information to home system. Applicant does not specify type of data, thus data is generic without type.**

Identification number of end user 2, as disclosed by APA in paragraph 0008 is a type of data in addition to routing information.

However, Solomon teaches ‘receiving data’, *per se*, in addition to header information, **(which is standard) as explained below separately:**

- c) forming an expanded second permanent identifier having a second permanent identifier portion and an expanded portion, and the expanded portion including a portion of the received data; **(APA discloses expanded second permanent identifier, paragraph 0011, including three portion. The first two portions are the second permanent identifier, as**

claimed, such as electronic serial number of mobile communication device 4, paragraph 0013, and third portion represents unexpanded portion of second permanent identifier, which is associated with communication device 4 or being used by the end user 2, paragraphs 0010-0011. Note: Applicant claims “portion of receiving data” as part of expanded second permanent identifier in addition to second permanent identifier portion. This limitation (data) is the same as part of first permanent identifier. Applicant does not specify type of receiving data again, thus receiving data is generic without type. APA discloses third identification number as expanded portion of expanded second permanent identifier, paragraph 0012.

However, Solomon teaches ‘receiving data’, per se, in addition to header information, (which is standard) as explained below separately:

d) sending, from a communication device, at least the first permanent identifier and the expanded second permanent identifier. (APA discloses, communication device 4 connected to the service system 12, fig. 1, provides both first and expanded permanent identifiers to home system 16 to validate end user 2, paragraphs 0014-0015).

Wherein the step a) receives data from a user of the communication device (see claim 2); (data is supplied by end user 2 using first communication device 4, paragraph 0016);

Wherein the step a) receives data from an user system including or connected to the communication device (see claim 3); (data is supplied by end user 2 connected to communication device 4) using first communication device 4, paragraph 0016 and fig. 1);

Solomon teaches receiving data (payload) in addition to routing information (header providing IP address) , virtual link (routing information) to Home Agent, page 54.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to use the receiving address as portion of first permanent identifier and expanded permanent identifier, as taught by APA and Solomon. The receiving data could be implemented by incorporating receiving identifier into first and expanded permanent identifiers. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

For claim 11, APA discloses, a method of transferring data in mobile communication system, **(APA teaches in reference to fig. 1 (Prior Art) and paragraphs 0008-0016, a system and process to transfer data in mobile communication system by opening a traffic channel to the destination entity, paragraph 0016)** comprising:

- a) receiving data; **(data is supplied by end user 2 using first communication device 4, paragraph 0016);**
- b) forming a first permanent identifier including a portion of the received data and routing information to a home system, **(APA discloses first permanent identifier including first portion as routing information to a home system, such as mobile country code (MCC) and mobile network code (MNC), paragraphs 0008-0009, and second portion identifies end user 2 to home system 16, paragraph 0008). Note: Applicant claims “portion of receiving data” as part of first permanent identifier in addition to routing information to home system. Applicant does not specify type of data, thus data is generic without type.**

Identification number of end user 2, as disclosed by APA in paragraph 0008 is a type of data in addition to routing information.

However, Solomon teaches ‘receiving data”, per se, in addition to header information, (which is standard) as explained below separately:

c) forming an expanded second permanent identifier having a second permanent identifier portion and an expanded portion, and the expanded portion including a portion of the received data; **(APA discloses expanded second permanent identifier, paragraph 0011, including three portion. The first two portions are the second permanent identifier, as claimed, such as electronic serial number of mobile communication device 4, paragraph 0013, and third portion represents unexpanded portion of second permanent identifier, which is associated with communication device 4 or being used by the end user 2, paragraphs 0010-0011. Note: Applicant claims “portion of receiving data” as part of expanded second permanent identifier in addition to second permanent identifier portion. This limitation (data) is the same as part of first permanent identifier. Applicant does not specify type of receiving data again, thus receiving data is generic without type. APA discloses third identification number as expanded portion of expanded second permanent identifier, paragraph 0012.**

However, Solomon teaches ‘receiving data”, per se, in addition to header information, (which is standard) as explained below separately:

d) sending, from a communication device, at least the first permanent identifier and the expanded second permanent identifier. **(APA discloses, communication device 4 connected to the service system 12, fig. 1, provides both first and expanded permanent identifiers to home system 16 to validate end user 2, paragraphs 0014-0015).**

wherein the step b) forms the first permanent identifier to further include destination entity routing information indicating to which destination entity to route the first permanent identifier (**see claim 11**); (**APA discloses destination entity forms part of home system 16, paragraph 0004, and fig. 1**);

APA does not teach destination entity information separately, but Solomon teaches, destination address as for of the header information, page 54.

Solomon teaches receiving data (payload) in addition to routing information (header providing IP address) , virtual link (routing information) to Home Agent, page 54.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to use the receiving address as portion of first permanent identifier and expanded permanent identifier, as taught by APA and Solomon. The receiving data could be implemented by incorporating receiving identifier into first and expanded permanent identifiers. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

For claims 4-10. APA in view of Solomon teaches all the limitations of subject matter, as applied to claim 1 for claims 4 and 7-10 respectively; claims 1 and 4 for claims 5-6 respectively; In addition, **APA** teaches for claims 4-10, as follows:

wherein the communication device is a mobile station (**see claim 4**), (APA paragraph 0004).

wherein the routing information includes a mobile country code and a mobile network code, **(see claim 5), (APA paragraph 0009)**.

wherein the expanded second permanent identifier is an expanded electronic serial number of the mobile station **(see claim 6) . (paragraph 0010)**.

wherein the expanded second permanent identifier is associated with at least a part of the communication device **(see claim 7). (APA teaches, the expanded second permanent identifier includes second permanent identifier ,which is electronic serial number (ESN) associated with at least a part of the communication device, paragraph 0010)**.

wherein the routing information includes a mobile country code and a mobile network code **(see claim 8). (paragraph 0008)**.

wherein the communication device forms part of a wireless communication system **(see claim 9). (paragraph 0003 and fig. 1)..**

wherein the communication device forms part of a wireline communication system **(see claim 10). (APA teaches, communication device as part of wireline communication system, paragraph 0005 and fig. 1)**.

For claim 12, **APA** discloses all the limitations of subject matter, as applied to claim 11, with the exception of the following limitations which are disclosed by **Solomon**, as follows:

wherein the step c) forms the expanded portion to further include destination entity routing information indicating to which destination entity to route the expanded second permanent identifier (**Solomon teaches header called original IP Packet, page 54 and fig. 4-2, which includes “ultimate destination” is part of expanded portion of expanded permanent identifier. This ultimate destination means destination entity, as claimed**).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to include the expanded portion to further include destination entity routing information indicating to which destination entity to route the expanded second permanent identifier as taught by Solomon. This capability could be implemented in the expanded portion of the expanded second permanent identifier of APA. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

For claim 29, **APA** discloses all the limitations of subject matter, as applied to claim 1, with the exception of the following limitations which are disclosed by **Solomon**, as follows:

wherein the received data is not used to validate an end user of the communication device (**Solomon teaches header called original IP Packet, page 54 and fig. 4-2, which includes “received data is not used to validate an end user of the communication device” is part of expanded portion of expanded permanent identifier**.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to include the received data is not used to validate an end user of the communication device as taught by Solomon. This capability could be implemented in the expanded portion of the expanded second permanent identifier of APA. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

For claim 30, **APA** discloses all the limitations of subject matter, as applied to claim 1, with the exception of the following limitations which are disclosed by **Solomon**, as follows:

wherein the received data is not identification information associated with the communication device or an end user of the communication device. (**Solomon teaches header called original IP Packet, page 54 and fig. 4-2, which includes** “the received data is not identification information associated with the communication device or an end user of the communication device” **is part of expanded portion of expanded permanent identifier.**

It would have been obvious to the person of ordinary skill in the art at the time of the invention to include “the received data is not identification information associated with the communication device or an end user of the communication device” as taught by Solomon. This capability could be implemented in the expanded portion of the expanded second permanent identifier of APA. The motivation for using this capability was to transmit data more efficiently than lengthy process of requesting and establishing a traffic channel.

7. Claims 13-28 and 31 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to INDER P. MEHRA whose telephone number is (571)272-3170.

The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Inder P Mehra/
Inder P Mehra
Examiner
Art Unit 2617

Application/Control Number: 10/602,588
Art Unit: 2617

Page 15